

225226

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

May 12, 2009

VIA ELECTRONIC FILING

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: **Docket No. AB-337 (Sub-No. 6X)**
Dakota, Minnesota & Eastern Railroad Corporation --
Discontinuance of Trackage Rights Exemption --
In Worth and Cerro Gordo Counties, IA and Freeborn County, MN

Dear Secretary Quinlan:

On May 13, 2009, Dakota, Minnesota & Eastern Railroad Corporation ("DM&E") filed a Verified Notice of Exemption in the above-captioned proceeding for DM&E's discontinuance of trackage rights between Hartland, Minnesota and Mason City, Iowa. Notice of the proposed discontinuance was served and published in the *Federal Register* on June 2, 2009.

Exhibit D of DM&E's notice of exemption certified that the required notice of intent had been published in newspapers for each of the three relevant counties. I am now attaching for the Board's files proofs of publication from two newspapers, the *Northwood Anchor* and *The Globe Gazette*, which were not available at the time the notice of exemption was filed.

If you have any questions regarding this matter, please feel free to contact me. Thank you for your assistance. Kind regards.

Respectfully submitted,



Thomas J. Litwiler
Attorney for Dakota, Minnesota & Eastern
Railroad Corporation

TJL:tl

Attachments

Proof of Publication

STATE OF IOWA

WORTH COUNTY

ss.

\$

ings involving (Notice of Intent to
continuance of Discontinue Trackage
abandonment. Rights: Dakota,
and 10 copies Minnesota & Eastern
pleading that Railroad Corporation
ters other than Dakota, Minnesota &
mental issues Eastern Railroad
offers of final Corporation (DM&E)
tance) must give notice that on or
directly with about May 12, 2009, at
Office of the Intends to file with the
395' E. Str Surface Transportation
Washington, Board, Washington, DC
[see 49 C.F.R. 20423, a notice of exemp-
and 1104.3(a) tion under 49 C.F.R. 1152
copy must b Subpart F. Exempt
DM&E's re Abandonments and go Illinois
[see 49 C.F.R. Discontinuances permit
Questions ting the discontinuance of
offers of fin DM&E's overhead track-
age rights on approxi-
mately 48.2 miles of rail
line of Union Pacific
Railroad Company
between milepost 107.0 at
Hartland, Minnesota and
milepost 119.4 at Albert
Lea (Curtis), Minnesota,
and between milepost
251.6 at Albert Lea and
milepost 192.8 at Mason
City, Iowa (with a mile-
post equation at Manly,
Iowa, where milepost
225.0 = milepost 202.0).
traversing United States
Postal Service ZIP Codes
56042, 56007, 56036,
50459, 50448, 50456 and
50401 in Freeborn
County, Minnesota and
Worth and Cerro Gordo
Counties, Iowa. The pro-
ceeding will be docketed
as No. AB-337 (Sub-No. 6X).

The proposed discon-
tinuance is exempt from
the Board's environmen-
tal and historic reporting
requirements. 49 C.F.R.
H05.8(c) and 1105.8(h).
Interested persons may
make inquiries regarding
environmental matters by
writing LO the Section of
Environmental Analysis,
Surface Transportation
Board, Washington, DC,
20423 or by calling that
office at 202-245-0295.

Appropriate offers of
financial assistance to
continue rail service can
be filed with the Board.
Public use conditions and
rail banking/trails use are
not available in proceed-

Board's dis-
procedures
cted to the
e of Public
overnmental
pliance at
Copies of
s or requests
s should be
M&E's repre-
the following
J. Litwiler,
Sippel LLC
acker Drive
ite 920
go Illinois
6-2532
252-1500

We, Lloyd O. Madson/Jane Podgorniak, on
oath depose and say that We are managers
of the Northwood Anchor, a weekly news-
paper of general circulation, published at
Northwood, Worth County, Iowa; that the
notice hereto attached was published in
said paper on the 6

day of MAY, 20 09

Sworn to and subscribed in my presence
by the said Lloyd O. Madson /Jane
Podgorniak, this 3

day of June, 20 09

Becky Haberman
Notary Public



BECKY HABERMAN
Commission Number 743294
MY COMM. EXP. 10/6/2009

PROOF OF PUBLICATION

State of Iowa
County of Cerro Gordo

**Notice of Intent to Discontinue
Trackage Rights -
Dakota, Minnesota &
Eastern Railroad Corporation**
Dakota, Minnesota & Eastern Railroad Corporation (DM&E) gives notice that on or about May 12, 2009, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. 1152. Subpart F, Exempt Abandonments and Discontinuances permitting the discontinuance of DM&E's overhead trackage rights on approximately 48.2 miles of rail line of Union Pacific Railroad Company between milepost 107.0 at Hartland, Minnesota and milepost 119.4 at Alben Lea (Curtis), Minnesota, and between milepost 251.8 at Alben Lea and milepost 192.8 at Mason City, Iowa (with a milepost re-sequencing at Marly, Iowa where milepost 1225.0 is milepost 202.0) traversing United States Postal Service ZIP Codes 56002, 56007, 56036, 56469, 56468, 56468, and 56401 in Freeborn County, Minnesota and Worth and Cerro Gordo Counties, Iowa. The proceeding will be docketed as No. AB-337 (Sub-No. 6X). The proposed discontinuance is exempt from the Board's environmental and historic reporting requirements, 49 C.F.R. 1105.8(c) and 1105.8(b). Interested persons may make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Public use conditions and rail banking/trails use are not available in proceedings involving only a discontinuance and not an abandonment. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 385 E Street, S.W., Washington, DC 20423 (see 49 C.F.R. 1104.1(g) and 1104.3(a)), and one copy must be served on DM&E's representative (see 49 C.F.R. 1104.12(a)). Questions regarding offers of financial assistance for the Board's discontinuance procedures may be directed to the Board's Office of Public Assistance, Governmental Affairs & Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on DM&E's representative at the following address:
Thomas J. Lillier, Esq.
Fletcher & Sippel LLC
28 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1600

I Sherrie Kilts, being duly sworn, on oath, do depose and say that I am Accounting Customer Service Representative of The Globe-Gazette and I am authorized to make this affidavit, that The Globe-Gazette is a daily newspaper regularly published and printed in the English language in the City of Mason City, Cerro Gordo County, Iowa, and has a general circulation in the said city and county; and that I personally know that the notice, a true copy of which is hereto affixed, was published in the Globe-Gazette for the following day(s), to-wit:

May 6, 2009

That the issues of said paper containing said notice were duly circulated in the regular manner.

Sherrie Kilts

Subscribed and sworn to before me by Sherrie Kilts this 6th day of May 2009.

Brenda Harris
Notary Public in and for Said County

Printers Fee, \$ 30.22

